IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.564 OF 2006

Eknath B. Dhavale & Ors. ...Petitioners.

Versus

Tukaram S. Dhavale & Ors. ...Respondents.

Shri S.B.Shetye for the Petitioners.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 20th FEBRUARY, 2006.

P.C. :

1. Heard Shri Shetye - learned Counsel appearing for the petitioners.

2. The Court below has refused to exercise discretion in favour of the petitioners, who have challenged the ex-parte judgment and decree of the trial Court in a partition Suit against them, after lapse of 955 days. The Court below was informed that the delay is occurred on account of the Advocate of the petitioners not following-up the matter in the trial Court. A serious grievance was made that he was refusing to meet them even after the decree was pronounced. The Court below has summoned the Advocate and called for his explanation and after having perused

the same found that the averments in the application for condonation of delay are false and unsubstantiated. Such orders do not warrant interference under Article 227 of the Constitution of India for the same would send a wrong signal that this Court is willing to condone all sorts of lapses and defaults on the part of litigants. Petition dismissed.

(S.C.DHARMADHIKARI,J.)